

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

232

David Bakalar

USCA NO. 08-5119-CV

SDNY NO. 05-cv-3037

JUDGE: WHP

DATE: 2-5-09

Milos Vavra and Leon Fischer

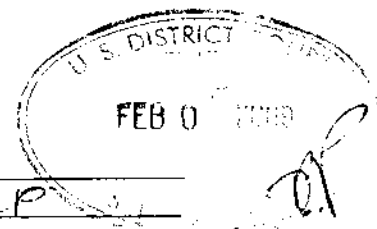
INDEX TO THE RECORD ON APPEAL

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DISTRICT COURT DOCKET ENTRIES

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

☒ Original Record

☐ Supplemental Record

(3 VOL.)

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 5th Day of Feb, 2009.

David Bakalar

-v-

D.C. JUDGE: WHP

Miles Vavra and Leon Fischer

Document Description

~~J. Michael McMahon, Clerk~~

By

Deputy Clerk

APPEAL, CLOSED, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-03037-WHP
Internal Use Only

Bakalar v. Vavra et al
Assigned to: Judge William H. Pauley, III
Demand: \$675,000
Cause: 08:2201 Constitutionality of State Statute(s)

Date Filed: 03/21/2005
Date Terminated: 09/18/2008
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Date Filed	#	Docket Text
03/21/2005	1	COMPLAINT against Milos Vavra, Leon Fischer. (Filing Fee \$ 250.00, Receipt Number 538047) Document filed by David Bakalar.(laq,) Additional attachment(s) added on 3/22/2005 (laq,). (Entered: 03/21/2005)
03/21/2005		SUMMONS ISSUED as to Milos Vavra, Leon Fischer. (laq,) (Entered: 03/21/2005)
03/21/2005		Magistrate Judge Ronald L. Ellis is so designated. (laq,) (Entered: 03/21/2005)
03/21/2005		Case Designated ECF. (laq,) (Entered: 03/21/2005)
03/31/2005	2	MOTION for an Order pursuant to Rule 1.3(c) of the Local Rules of this Court, admitting Evan T. Barr and Leah M. Quadrino to the bar of this Court Pro Hac Vice. Declaration of Scott D. Watkins in support, and proposed Order attached. Document filed by David Bakalar. (yv,) (Entered: 04/06/2005)
04/06/2005	3	ORDER granting 2 Motion for Evan T. Barr and Leah M. Quadrino to appear Pro Hac Vice. (Signed by Judge William H. Pauley III on 4/6/05) (sc,) (Entered: 04/11/2005)
04/09/2005		Transmission to Attorney Admissions Clerk. Transmitted re: 3 Order on Motion to Appear Pro Hac Vice to the Attorney Admissions Clerk for updating of Attorney Information. (sc,) (Entered: 04/11/2005)
04/11/2005		NOTICE of Appearance by Leah Margaret Quadrino on behalf of David Bakalar (Quadrino, Leah) (Entered: 04/11/2005)
04/11/2005	4	AFFIDAVIT OF SERVICE of Summons and Complaint on Leon Fischer served on 3/24/2005. (Dowd, Raymond) (Entered: 04/11/2005) Service was accepted by Winnie Hutha, Reilme Maintenance. Service was made by Mail. Document filed by David Bakalar. (Quadrino, Leah) (Entered: 04/11/2005)
04/18/2005	5	ORDER FOR INITIAL PRETRIAL CONFERENCE: counsel are directed to appear for a pretrial conference at 9:30 a.m. on 6/24/05 in courtroom 11D, 500 Pearl Street, New York, NY. (Signed by Judge William H. Pauley III on 4/18/05) Copies Mailed By Chambers.(kw,) (Entered: 04/19/2005)
06/01/2005	7	ANSWER to Complaint, COUNTERCLAIM against David Bakalar. Document filed by Leon Fischer. (Attachments: # 1 Exhibit Exhibits A-B# 2 Exhibit Exhibits C-G)(Dowd, Raymond) (Entered: 06/01/2005)
06/16/2005	8	NOTICE of Appearance by William Laurence Charron on behalf of David Bakalar, David Bakalar (Charron, William) (Entered: 06/16/2005)
06/20/2005	9	MOTION for Evan T. Barr, Scott D. Watkins, Leah M. Quadrino to Withdraw as Attorney. Document filed by David Bakalar. (Quadrino, Leah) (Entered: 06/20/2005)
06/20/2005	10	STIPULATION AND ORDER. Bakalar's time to answer, move or otherwise respond to the counterclaim is adjourned until 7/15/05. The deadline for the parties to file with the Court their joint initial discovery plan is adjourned until 7/29/05. The initial scheduling conference with the Court is adjourned until 8/5/2005 at 09:30 AM (Signed by Judge William H. Pauley III on 6/20/05) (yv,) Modified on 6/21/2005 (yv,). (Entered: 06/21/2005)
06/22/2005	11	ORDER granting 9 Motion to Withdraw as Attorney. Attorney Scott David Watkins; Evan T. Barr and Leah Quadrino terminated. (Signed by Judge William H. Pauley III on 6/22/05) (yv,) (Entered: 06/23/2005)
07/15/2005	12	REPLY re: 7 Answer to Complaint, Counterclaim. Document filed by David Bakalar, David Bakalar. (Charron, William) (Entered: 07/15/2005)
07/15/2005	13	CERTIFICATE OF SERVICE of Reply to Counterclaims served on Raymond J. Dowd on 7/15/05. Service was made by MAIL. Document filed by David Bakalar, David Bakalar. (Charron, William) (Entered: 07/15/2005)
07/29/2005	14	ENDORSED LETTER addressed to Judge William H. Pauley III from James H. Pauley III dated 7/26/05 re: granting two-day extension for the parties to submit their Proposed Scheduling Order. (Signed by Judge

		William H. Pauley III on 7/29/05) (pl,) (Entered: 08/02/2005)
08/02/2005	15	RULE 26(f) DISCOVERY PLAN REPORT.Document filed by Leon Fischer.(Dowd, Raymond) (Entered: 08/02/2005)
08/05/2005	16	SCHEDULING ORDER: Motions due by 12/5/2005. Responses due by 1/6/2006 Replies due by 1/17/2006. Discovery due by 11/7/2005. Oral Argument set for 2/3/2006 11:00 AM before Judge William H. Pauley III. (Signed by Judge William H. Pauley III on 8/5/05) (jco,) (Entered: 08/08/2005)
09/06/2005	17	REQUEST for Production of Documents.Document filed by Leon Fischer.(Dowd, Raymond) (Entered: 09/06/2005)
10/12/2005	18	ENDORSED LETTER addressed to Judge William H. Pauley, III from Raymond J. Dowd dated 9/26/05 re: Application GRANTED. Class discovery due 1/6/06; Motion for class certification due 2/6/06; opposition due 3/8/06; reply due 3/20/06. Oral argument scheduled for 4/7/06 at 10:30 a.m. (Signed by Judge William H. Pauley III on 10/11/05) (db,) (Entered: 10/13/2005)
10/12/2005		Set Deadlines/Hearings: Discovery due by 1/6/2006. Motions due by 2/6/2006. Replies due by 3/20/2006. Responses due by 3/8/2006 Oral Argument set for 4/7/2006 10:30 AM before Judge William H. Pauley III. (db,) (Entered: 10/13/2005)
11/30/2005	19	SCHEDULING ORDER: a conference in this action is scheduled for December 9, 2005 at 11:15 a.m.... (Signed by Judge William H. Pauley III on 11/29/05) (djc,) (Entered: 11/30/2005)
12/13/2005	20	ENDORSED LETTER addressed to Judge Pauley from Brian Roof dated 12/8/05: re request by Mr. Roof to participate via phone on 12/9/05 is denied, for a second time. (Signed by Judge William H. Pauley III on 12/9/05) (cd,) (Entered: 12/14/2005)
12/16/2005	21	ENDORSED LETTER addressed to Judge William H. Pauley III from James A. Janowitz dated 12/8/05 re: pre-motion conference set for 1/4/06 @10:00 a.m. (Signed by Judge William H. Pauley III on 12/16/05) (pl,) (Entered: 12/16/2005)
12/21/2005	22	TRANSCRIPT of proceedings held on 12/9/2005 before Judge William H. Pauley III. (tve,) (Entered: 12/21/2005)
12/23/2005	23	ENDORSED LETTER addressed to Judge William H. Pauley from William L. Charron dated 12/22/2005 re: plaintiff is requesting a brief adjournment of the pre-motion conference that the Court recently scheduled for 1/4/2006 @ 10:00 am. ENDORSEMENT: Application Granted. Pre-motion conference scheduled for 1/4/2006 at 12:30 p.m. So Ordered. (Signed by Judge William H. Pauley III on 12/22/2005) (lb,) (Entered: 12/27/2005)
01/04/2006	24	ENDORSED LETTER addressed to Judge William H. Pauley from Rachel and David dated 12/30/05 re: counsel requests a pre-motion conference with respect to the non party discovery. Application denied. Counsel preudice for dfts failure to comply with this court's individual practices. (Signed by Judge William H. Pauley III on 1/4/06) (ale,) (Entered: 01/05/2006)
01/04/2006	25	ORDER that for the reasons set forth on the record, it is ordered that non parties to this action, Sotheby's, Inc., Christie's Inc. and Galerie St. Etienne will produce to dfts statistical information as further set forth in this order; non party Galerie St. Etienne will produce to dfts the documents requested specific to the drawing that is the subject of this action, Egon Schiele's Seated Woman with Bent Left Leg (Torso) and dfts' counsel is directed to serve this order on all the non parties they served with subpoenas in this action. (Signed by Judge William H. Pauley III on 1/4/06) Copies mailed by chambers.(dle,) (Entered: 01/05/2006)
01/05/2006	26	SCHEDULING ORDER: Dfts to serve their amended answer/counterclaims by 2/6/06.Plntff summary judgment motion due by 1/25/2006. Response due by 2/22/2006 Reply due by 3/3/2006. Oral Argument set for 3/17/2006 03:00 PM before Judge William H. Pauley III. (Signed by Judge William H. Pauley III on 1/5/06) copies sent by chambers(cd,) (Entered: 01/05/2006)
01/18/2006	27	TRANSCRIPT of proceedings held on 1/4/06 before Judge William H. Pauley III. (lma,) (Entered: 01/18/2006)
01/26/2006	28	ENDORSED LETTER: addressed to Judge William H. Pauley III from William L. Charron dated 1/24/2006 re: plaintiff is requesting a two-day adjournment of plaintiff's time to serve and file his moving papers (i.e., to move by 1/27/2006.). ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge William H. Pauley III on 1/24/2006) (lb,) (Entered: 01/26/2006)
01/27/2006	29	MOTION for Summary Judgment. Document filed by David Bakalar. (Attachments: # 1 Certificate of Service) (Charron, William) (Entered: 01/27/2006)
01/27/2006	30	DECLARATION of William L. Charron in Support re: 29 MOTION for Summary Judgment.. Document filed by David Bakalar. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13 # 14 # 15 # 16 # 17 # 18 # 19 # 20)(Charron, William) (Entered: 01/27/2006)
01/27/2006	31	RULE 56.1 STATEMENT. Document filed by David Bakalar. (Attachments: # 1 Certificate of Service.) (Charron, William) (Entered: 01/27/2006)

01/27/2006	32	MEMORANDUM OF LAW in Support re: 29 MOTION for Summary Judgment.. Document filed by David Bakalar. (Attachments: # 1 Certificate of Service)(Charron, William) (Entered: 01/27/2006)
01/27/2006	33	NOTICE of Exhibit 4 Parts A-D to Declaration of William L. Charron in Support of Plaintiff's Motion for Summary Judgment re: 30 Declaration in Support of Motion,, 32 Memorandum of Law in Support of Motion, 29 MOTION for Summary Judgment., 31 Rule 56.1 Statement. Document filed by David Bakalar. (Attachments: # 1 Exhibit 4 part a# 2 Exhibit 4 part b# 3 Exhibit 4 part c# 4 Exhibit 4 part d# 5 certificate of service)(Charron, William) (Entered: 01/27/2006)
02/03/2006	34	ENDORSED LETTER addressed to Judge William H. Pauley III from William L. Charron dated 1/23/06 re: Counsel writes to request a postponement of defendants/counterclaimants' anticipated motion for class certification, pending a decision on plaintiff's upcoming motion for summary judgment on the issue of laches. Application Denied. So Ordered. (Signed by Judge William H. Pauley III on 2/3/06) (jco,) (Entered: 02/03/2006)
02/06/2006	35	AMENDED ANSWER to, THIRD PARTY COMPLAINT against David Bakalar, David Bakalar., COUNTERCLAIM against David Bakalar, David Bakalar. Document filed by Leon Fischer, Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit # 2 Exhibit Exhibits C-G)(Dowd, Raymond) (Entered: 02/06/2006)
02/06/2006	36	FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Leon Fischer, Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Dowd, Raymond) (Entered: 02/06/2006)
02/06/2006	37	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - FIRST MOTION to Certify Class (Declaration of Raymond J. Dowd). Document filed by Leon Fischer, Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 1)(Dowd, Raymond) Modified on 2/8/2006 (kg). (Entered: 02/06/2006)
02/06/2006	38	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class (Declaration of RJD, Exhibit 3 and Exhibit 3 part 2). Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 3# 2 Exhibit 3 part 2)(Dowd, Raymond) Modified on 2/8/2006 (kg). (Entered: 02/06/2006)
02/06/2006	39	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class <i>Declaration of RJD, Exhibit 3, part 4</i> . Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 3, part 4)(Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/06/2006	40	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class <i>Declaration of RJD, Exhibits 4, 5, 6 and 7</i> . Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 4# 2 Exhibit 5# 3 Exhibit 6# 4 Exhibit 7)(Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/06/2006	41	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class <i>Declaration of RJD, Exhibit 3 part 3a</i> . Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 3 part 3a)(Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/06/2006	42	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class <i>Declaration of RJD, Exhibit 2 and 2a</i> . Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 2# 2 Exhibit 2a)(Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/06/2006	43	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class <i>Declaration of RJD, Exhibit 2, part 2</i> . Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 2 part 2)(Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/06/2006	44	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class <i>Declaration of RJD, Exhibit 2 part 3</i> . Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 2 part 3)(Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/06/2006	45	FILING ERROR - DEFICIENT DOCKET ENTRY - FIRST MOTION to Certify Class <i>Declaration of RJD with Exhibit 3 part 3</i> . Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Attachments: # 1 Exhibit 3 part 3)(Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/06/2006	46	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - FIRST MOTION to Certify Class (Memorandum of Law). Document filed by Leon Fischer. Return Date set for 4/7/2006 10:30 AM. (Dowd, Raymond) Modified on 2/8/2006 (kg,). (Entered: 02/06/2006)
02/08/2006		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Raymond Dowd to RE-FILE Document 37 FIRST MOTION to Certify Class (Declaration of Raymond J. Dowd). Use the document type Declaration in support of motion found under the document list Responses and Replies. (kg) (Entered: 02/08/2006)
02/08/2006		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Raymond Dowd to RE-FILE Document 46 FIRST MOTION to Certify Class (Memorandum of Law). Use the document type Memorandum of Law in support of motion found under the document list Responses and Replies. (kg) (Entered: 02/08/2006)

02/08/2006		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Raymond Dowd to RE-FILE Document 46 FIRST MOTION to Certify Class Memorandum of Law.. 41 FIRST MOTION to Certify Class Declaration of RJD, Exhibit 3 part 3a., 40 FIRST MOTION to Certify Class Declaration of RJD, Exhibits 4, 5, 6 and 7., 45 FIRST MOTION to Certify Class Declaration of RJD with Exhibit 3 part 3., 42 FIRST MOTION to Certify Class Declaration of RJD, Exhibit 2 and 2a., 43 FIRST MOTION to Certify Class Declaration of RJD, Exhibit 2, part 2., 38 FIRST MOTION to Certify Class Declaration of RJD, Exhibit 3 and Exhibit 3 part 2., 34 FIRST MOTION to Certify Class Declaration of RJD, Exhibit 2 part 3., 39 FIRST MOTION to Certify Class Declaration of RJD, Exhibit 3, part 4.. ERROR(S): Filing Error of Exhibits. Exhibits must be filed as an attachment to supporting documents. (kg,) Modified on 2/8/2006 (Entered: 02/08/2006)
02/08/2006	47	DECLARATION of Raymond J. Dowd in Support re: 36 FIRST MOTION to Certify Class Notice of Motion.. Document filed by Leon Fischer. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10# 11 Exhibit 11# 12 Exhibit 12# 13 Exhibit 13# 14 Supplement 14)(Dowd, Raymond) (Entered: 02/08/2006)
02/08/2006	48	MEMORANDUM OF LAW in Support re: 36 FIRST MOTION to Certify Class Notice of Motion.. Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 02/08/2006)
02/15/2006	49	SCHEDULING ORDER: re plntf's Motion for Summary Judgment: defts Responses due by 2/27/2006; plntf's Replies due by 3/8/2006. Oral Argument set for 3/17/2006 03:00 PM before Judge William H. Pauley III. Re deft's Motion for Class Certification: plntf's opposition to deft's Motion for Class Certification is now due 3/10/06; defts reply is due 3/20/06; oral argument set for 4/7/06 at 10:30 am. (Signed by Judge William H. Pauley III on 2/15/06) (cd,) (Entered: 02/16/2006)
02/15/2006	50	STIPULATION AND ORDER that the time for counterclaim deft Neue Galerie to answer the Amended Counterclaims and Answer is extended until 20 days after the Court grants defts' and counterclaim plntf's Motion for Class Certification and as further set forth in this document. (Signed by Judge William H. Pauley III on 2/15/06) (cd,) (Entered: 02/16/2006)
02/16/2006	51	ANSWER to Complaint, COUNTERCLAIM against David Bakalar. Document filed by Milos Vavra, Leon Fischer.(cd,) (Entered: 02/16/2006)
02/17/2006	52	NOTICE OF APPEARANCE by Kevin John Burke on behalf of Schenker, Inc. (Burke, Kevin) (Entered: 02/17/2006)
02/21/2006	53	AMENDED ANSWER to. Document filed by David Bakalar. David Bakalar. David Bakalar. David Bakalar. David Bakalar. (So, Suyin) (Entered: 02/21/2006)
02/21/2006	54	CERTIFICATE OF SERVICE of Reply to First Amended Counterclaims served on Leon Fischer and Milos Vavra on 2/21/2006. Service was made by Mail. Document filed by David Bakalar. David Bakalar. David Bakalar. David Bakalar. David Bakalar. (So, Suyin) (Entered: 02/21/2006)
02/27/2006	55	DECLARATION of Raymond J. Dowd in Opposition re: 29 MOTION for Summary Judgment.. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit A-C# 2 Exhibit D# 3 Exhibit E-H# 4 Exhibit I# 5 Exhibit J# 6 Exhibit O-R# 7 Exhibit S)(Dowd, Raymond) (Entered: 02/27/2006)
02/27/2006	56	FILING ERROR - WRONG PDF ASSOCIATED WITH DOCKET ENTRY - DECLARATION of First Supplemental Declaration of Raymond J. Dowd in Opposition re: 29 MOTION for Summary Judgment.. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit A# 2 Exhibit 1-17# 3 Exhibit 18-34# 4 Exhibit 35-37# 5 Exhibit 38# 6 Exhibit 39-46# 7 Exhibit 47-51)(Dowd, Raymond) Modified on 3/6/2006 (gf,). (Entered: 02/27/2006)
02/27/2006	57	DECLARATION of Second Supplemental Declaration of Raymond J. Dowd in Opposition re: 29 MOTION for Summary Judgment.. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit 52-56# 2 Exhibit 57-67# 3 Exhibit 68-76# 4 Exhibit 77-82# 5 Exhibit 83-88# 6 Exhibit 89# 7 Exhibit 89 part 2# 8 Exhibit 90)(Dowd, Raymond) (Entered: 02/27/2006)
02/27/2006	58	DECLARATION of Third Supplemental Declaration of Raymond J. Dowd in Opposition re: 29 MOTION for Summary Judgment.. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit A# 2 Exhibit Gruber A# 3 Exhibit Gruber B-D# 4 Exhibit Gruber E part 1# 5 Exhibit Gruber E part 2# 6 Exhibit Gruber Exhibit E part 3# 7 Exhibit Gruber F)(Dowd, Raymond) (Entered: 02/27/2006)
02/27/2006	59	DECLARATION of Rule 56(f) Statement in Opposition re: 29 MOTION for Summary Judgment.. Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 02/27/2006)
02/27/2006	60	RULE 56.1 STATEMENT. Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 02/27/2006)
02/27/2006	61	MEMORANDUM OF LAW in Opposition re: 29 MOTION for Summary Judgment.. Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 02/27/2006)
03/02/2006	62	DECLARATION of First Supplemental Declaration of Raymond J. Dowd in Opposition re: 29 MOTION for Summary Judgment.. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit A# 2 Exhibit

		1-17# 3 Exhibit 18-34# 4 Exhibit 35-37# 5 Exhibit 38# 6 Exhibit 39-46# 7 Exhibit 47-51)(Dowd, Raymond) (Entered: 03/02/2006)
03/08/2006	63	MEMORANDUM OF LAW in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Neue Galerie. (Spiegler, Howard) (Entered: 03/08/2006)
03/08/2006	64	AFFIDAVIT of Howard N. Spiegler, Esq. in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Neue Galerie. (Attachments: # 1 Exhibit "A")(Spiegler, Howard) (Entered: 03/08/2006)
03/08/2006	65	AFFIDAVIT of Scott Gutterman in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Neue Galerie. (Attachments: # 1 Exhibit "A(1)" # 2 Exhibit "A(2)" # 3 Exhibit "A(3)" # 4 Exhibit "A(4)")(Spiegler, Howard) (Entered: 03/08/2006)
03/08/2006	66	NOTICE OF APPEARANCE by Mari-Claudia Jimenez on behalf of Neue Galerie (Jimenez, Mari Claudia) (Entered: 03/08/2006)
03/08/2006	67	FIRST REPLY MEMORANDUM OF LAW in Support re: 29 MOTION for Summary Judgment.. Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (So, Suyin) (Entered: 03/08/2006)
03/08/2006	68	DECLARATION of WILLIAM L. CHARRON in Support re: 29 MOTION for Summary Judgment.. Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (Attachments: # 1 Exhibit Exhibit 22a# 2 Exhibit Exhibit 22b# 3 Exhibit Exhibit 23# 4 Exhibit Exhibit 24a# 5 Exhibit Exhibit 24b# 6 Exhibit Exhibit 24c# 7 Exhibit Exhibit 24d# 8 Exhibit Exhibit 24e# 9 Certificate of Service)(So, Suyin) (Entered: 03/08/2006)
03/08/2006	69	NOTICE OF APPEARANCE by James R. Lynch on behalf of Oberlin College (Lynch, James) (Entered: 03/08/2006)
03/08/2006	70	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - MOTION for Limited Admission Motion to Admit Michael J. Frantz, Gregory R. Farkas and Brian E. Roof Pro Hac Vice. This document filed by Oberlin College. (Lynch, James) Modified on 3/9/2006 (kg). (Entered: 03/08/2006)
03/09/2006		NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON ECF DOCUMENT ERROR. Note to Attorney James Lynch to MANUALLY RE-FILE Document No. 70 Motion to Admit Pro Hac Vice. This document is not filed via ECF. (kg) (Entered: 03/09/2006)
03/09/2006	71	CERTIFICATE OF SERVICE of Affidavit of Howard N. Spiegler, Esq. in opposition to the motion for class certification, Affidavit of Scott Gutterman in opposition to the motion for class certification, and memorandum in opposition to the motion for class certification on 3/8/06. Service was made by MAIL. Document filed by Neue Galerie. (Jimenez, Mari-Claudia) (Entered: 03/09/2006)
03/09/2006	72	MEMORANDUM OF LAW in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . (<i>Memorandum of Law in Opposition to Defendants and Counterclaim Plaintiffs' Motion for Class Certification, Dated March 9, 2006</i>). Document filed by the Museum of Modern Art. (Davis, Evan) (Entered: 03/09/2006)
03/09/2006	73	DECLARATION of Stephen W. Clark in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by the Museum of Modern Art. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Davis, Evan) (Entered: 03/09/2006)
03/09/2006	74	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Neue Galerie.(Spiegler, Howard) (Entered: 03/09/2006)
03/09/2006	75	MOTION for an order, admitting Michael J. Frantz, Gregory R. Farkas and Brian E. Roof to Appear Pro Hac Vice. Document filed by Oberlin College. (sac,) (Entered: 03/10/2006)
03/10/2006	76	RESPONSE in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Oberlin College. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D)(Lynch, James) (Entered: 03/10/2006)
03/10/2006	77	MEMORANDUM OF LAW in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Schenker, Inc.. (Burke, Kevin) (Entered: 03/10/2006)
03/10/2006	78	AFFIDAVIT of Kevin Burke in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Schenker, Inc.. (Burke, Kevin) (Entered: 03/10/2006)
03/10/2006	79	AFFIDAVIT of Stephen Gifford in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Schenker, Inc.. (Burke, Kevin) (Entered: 03/10/2006)
03/10/2006	80	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Schenker, Inc..(Burke, Kevin) (Entered: 03/10/2006)
03/10/2006	81	WAIVER OF SERVICE RETURNED EXECUTED. Sotheby's Inc. waiver sent on 2/14/2006, answer due 4/17/2006. Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 03/10/2006)

03/10/2006	82	WAIVER OF SERVICE RETURNED EXECUTED. Oberlin College waiver sent on 2/15/2006, answer due 4/17/2006. Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 03/10/2006)
03/10/2006	83	WAIVER OF SERVICE RETURNED EXECUTED. Schenker, Inc. waiver sent on 2/14/2006, answer due 4/17/2006. Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 03/10/2006)
03/10/2006	84	NOTICE OF APPEARANCE by Howard Neil Spiegler on behalf of Neue Galerie (Spiegler, Howard) (Entered: 03/10/2006)
03/10/2006	85	MEMORANDUM OF LAW in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Sotheby's Inc.. (Cahill, John) (Entered: 03/10/2006)
03/10/2006	86	MEMORANDUM OF LAW in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (So, Suyin) (Entered: 03/10/2006)
03/10/2006	87	DECLARATION of William L. Charron in Opposition re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8a# 9 Exhibit 8b# 10 Exhibit 8c# 11 Exhibit 8d# 12 Exhibit 8e# 13 Exhibit 8f# 14 Exhibit 8g# 15 Exhibit 9# 16 Exhibit 10a# 17 Exhibit 10b# 18 Exhibit 10c# 19 Exhibit 11# 20 Exhibit 12# 21 Exhibit 13)(So, Suyin) (Entered: 03/10/2006)
03/10/2006	88	DECLARATION of John R. Cahill. Document filed by Sotheby's Inc.. (Attachments: # 1 Exhibit A (part 1 of 3)# 2 Exhibit A (part 2 of 3)# 3 Exhibit A (part 3 of 3)# 4 Exhibit B)(Cahill, John) (Entered: 03/10/2006)
03/10/2006	89	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Sotheby's Inc..(Cahill, John) (Entered: 03/10/2006)
03/10/2006	90	CERTIFICATE OF SERVICE of Memorandum of Law and Supporting Declaration in Opposition to Defendants' Motion for Counterclaim Defendant Class Certification served on Milos Vavra, Leon Fischer on 3/10/06. Service was made by Mail. Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (So, Suyin) (Entered: 03/10/2006)
03/13/2006	91	AFFIDAVIT OF SERVICE. Document filed by Schenker, Inc.. (Burke, Kevin) (Entered: 03/13/2006)
03/13/2006	92	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Oberlin College.(Lynch, James) (Entered: 03/13/2006)
03/13/2006	92	CERTIFICATE OF SERVICE of Memorandum of Law in Opposition to Defendants and Counterclaim Plaintiffs' Motion for Class Certification and Declaration of Stephen W. Clark served on Raymond J. Dowd Esq. of Dowd & Marotta LLC, James Janowitz, Esq. and William Charron, Esq. of Pryor Cashman Sherman & Flynn, LLP, Mari-Claudia Jimenez, Esq. of Herrick, Fensholt LLP, Brian Rach, Esq. of Frantz, Ward LLP, Kevin J. Burke, Esq. of Cahill Gordon & Reishdel, Brian Lynch, Esq. of Stines Corporation, and John R. Cahill, Esq. of Friedman Kaplan Seiler & Adelman LLP on March 9, 2006. Service was made by Federal Express. Document filed by the Museum of Modern Art.(Davis, Evan) (Entered: 03/13/2006)
03/16/2006	94	RULE 7.1 DISCLOSURE STATEMENT. Document filed by the Museum of Modern Art.(Davis, Evan) (Entered: 03/16/2006)
03/16/2006	95	STIPULATION AND ORDER EXTENDING TIME TO ANSWER, MOVE OR OTHERWISE RESPOND TO FIRST AMENDED COUNTERCLAIMS AND ANSWER: The time for Counterclaim Defendant Sotheby's to answer, move or otherwise respond to the first amended counterclaims and answer, or appear in this action, is extended until 20 days after this Court grants Defendants' and Counterclaim Plaintiffs' motion for class certification and order that Sotheby's is a sub class representative pursuant thereto... (Signed by Judge William H. Pauley III on 3/14/2006) (lb.) (Entered: 03/16/2006)
03/17/2006	96	ENDORSED LETTER addressed to Judge William H. Pauley III from William L. Charron dated 3/7/06 re: Counsel writes to request a one page extension of the plaintiff's page limit. So Ordered. (Signed by Judge William H. Pauley III on 3/13/06) (jco.) (Entered: 03/17/2006)
03/23/2006	97	DECLARATION of Jane Kallir in Support re: 29 MOTION for Summary Judgment.. Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (So, Suyin) (Entered: 03/23/2006)
03/24/2006	98	NOTICE of Stipulation Extending Time to Answer First Amended Counterclaim and Answer. Document filed by Oberlin College. (Lynch, James) (Entered: 03/24/2006)
03/24/2006	99	CERTIFICATE OF SERVICE of Declaration served on Oberlin College and Museum of Modern Art on 3/24/06. Service was made by Mail. Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (So, Suyin) (Entered: 03/24/2006)
03/27/2006	100	DECLARATION of Raymond J. Dowd in Support re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Leon Fischer. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D)(Dowd, Raymond) (Entered: 03/27/2006)

03/27/2006	101	REPLY MEMORANDUM OF LAW in Support re: 36 FIRST MOTION to Certify Class <i>Notice of Motion</i> . Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 03/27/2006)
03/28/2006	102	ENDORSED LETTER addressed to Judge William H. Pauley III from Raymond J. Dowd dated 3/27/06 re: Counsel writes to request a two (2) page extension of defendant's page limit for their class certification reply memorandum of law. Application granted. So Ordered. (Signed by Judge William H. Pauley III on 3/27/06) (jco,) (Entered: 03/29/2006)
03/29/2006	103	NOTICE OF APPEARANCE by John Robert Cahill on behalf of Sotheby's Inc. (Cahill, John) (Entered: 03/29/2006)
03/29/2006	104	ENDORSED LETTER addressed to Judge William H. Pauley III from Raymond J. Dowd dated 3/15/06 re: Counsel writes to request an extension of time to submit a reply papers on the Counterclaim plaintiffs' motion for class certification to 3/27/06. Application Granted. Oral argument is rescheduled for 4/19/06 at 3:00 p.m. So Ordered. (Signed by Judge William H. Pauley III on 3/28/06) (jco,) (Entered: 03/29/2006)
03/29/2006		Set Deadlines/Hearings: Oral Argument set for 4/19/2006 03:00 PM before Judge William H. Pauley III. (jco,) (Entered: 03/29/2006)
04/05/2006	105	ORDER granting 75 Motion for Scott R. Emery, Michael J. Frantz, Gregory R. Farkas and Brian E. Roof to Appear Pro Hac Vice. (Signed by Judge William H. Pauley III on 4/4/2006) (lb,) (Entered: 04/05/2006)
04/05/2006		Transmission to Attorney Admissions Clerk. Transmitted re: 105 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (lb,) (Entered: 04/05/2006)
04/05/2006	106	ENDORSED LETTER addressed to Judge William H. Pauley from Kevin J. Burke dated 3/30/06 re: Pre-motion conference scheduled for 4/19/2006 at 3:00 PM. Schenker's time to answer or move is adjourned through that date. (Signed by Judge William H. Pauley III on 4/4/06) (kco,) (Entered: 04/05/2006)
04/06/2006	107	ENDORSED LETTER addressed to Judge William H. Pauley from Raymond J. Dowd dated 3/24/2006 re: defendants respectfully requesting to be permitted during the pre-motion conference to present limited supplementation with respect to the meaning of Leon Fischer's 2 month delay in responding to Dennis Langel's letter in 1998. ENDORSEMENT. Application Denied. Defendants may submit a brief supplement regarding Fischer's delay in a letter no more than 3 pages. So Ordered. (Signed by Judge William H. Pauley III on 4/6/2006) (lb,) (Entered: 04/07/2006)
04/17/2006	108	TRANSCRIPT of proceedings held on March 17, 2006 before Judge William H. Pauley III. (jw,) (Entered: 04/17/2006)
04/17/2006	109	SCHEDULING ORDER: Oral Argument set for 4/27/2006 at 02:15 PM before Judge William H. Pauley III on. (Signed by Judge William H. Pauley III on 4/17/2006) (lb,) (Entered: 04/19/2006)
05/09/2006	110	TRANSCRIPT of proceedings held on 4/27/2006 before Judge William H. Pauley III Court Reporter, Southern District Court Reporters. (jmi,) (Entered: 05/09/2006)
07/28/2006	111	MEMORANDUM AND ORDER denying 36 Motion to Certify Class. (Signed by Judge William H. Pauley III on 7/28/06) (cd,) (Entered: 07/28/2006)
08/10/2006	112	MEMORANDUM AND ORDER: For the foregoing reasons, Plaintiff David Bakalar's motion for summary judgment dismissing Defendants' counterclaims on the grounds of laches is denied. (Signed by Judge William H. Pauley III on 8/10/06) (js,) (Entered: 08/11/2006)
08/18/2006	113	SCHEDULING ORDER: The parties in the above action are directed to appear for a conference on September 12, 2006 at 12:00 p.m. So Ordered. (Signed by Judge William H. Pauley III on 8/18/2006) (jmi,) (Entered: 08/21/2006)
09/17/2006	114	SCHEDULING ORDER: Plaintiff and Counterclaim-Defendants shall stipulate to the amendment or inform the Court of their opposition and inform the Court of intended motions, if any, by 10/13/2006; Defendants shall submit a responsive letter by 10/23/2006; and a pre-motion conference will be held on 11/3/2006 at 10:00 a.m. All parties that remain in the action shall attend. (Signed by Judge William H. Pauley III on 9/12/2006) (lb,) (Entered: 09/18/2006)
10/03/2006	115	TRANSCRIPT of proceedings held on 9/12/06 before Judge William H. Pauley III. (jw,) (Entered: 10/03/2006)
10/04/2006	116	STIPULATION AND ORDER OF DISCONTINUANCE; all counterclaims are discontinued as to the MoMA without prejudice and without costs as to either party. (Signed by Judge William H. Pauley III on 10/2/06) (kco,) (Entered: 10/04/2006)
10/04/2006	117	STIPULATION AND ORDER OF DISCONTINUANCE; all claims against counterclaim defendant Neue Galerie New York are dismissed without prejudice. (Signed by Judge William H. Pauley III on 10/2/06) (kco,) (Entered: 10/04/2006)
10/04/2006	118	STIPULATION AND ORDER OF DISMISSAL; the counterclaimants dismiss their claims against Oberlin College without prejudice and without costs to either party. (Signed by Judge William H. Pauley III on 10/2/06) (kco,) (Entered: 10/04/2006)

10/13/2006	119	TRANSCRIPT of proceedings held on 9/12/2006 at 12:10 p.m. before Judge William H. Pauley III. (aba,) (Entered: 10/13/2006)
10/26/2006	120	ENDORSED LETTER addressed to Judge William H. Pauley III from Kevin J. Burke dated 10/13/2006 re: requesting an extension until 10/18/2006 to submit a more detailed letter contemplated by the Court in the scheduling order. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge William H. Pauley III on 10/16/2006) (lb,) (Entered: 10/26/2006)
11/03/2006	121	TOLLING AGREEMENT AND ORDER: Having reviewed the foregoing Tolling Agreement between: Milos Vavra, Leon Fisher and Sotheby's Inc., and found such Tolling Agreement to serve the interests of judicial administration, the Court hereby permits the signatories to reserve, without prejudice, all timely claims and defenses, if any, otherwise properly brought in this action until such signatory notifies the Court of an intention to proceed or until further order of the Court. (Signed by Judge William H. Pauley III on 11/2/2006) (lb,) (Entered: 11/06/2006)
11/07/2006	122	LETTER addressed to Judge William H. Pauley from James A. Janowitz dated 10/13/06 re: opposition to a portion of defendants proposed second amended answer and counterclaims. Document filed by David Bakalar.(db,) (Entered: 11/09/2006)
11/07/2006	123	LETTER addressed to Judge William H. Pauley from James A. Janowitz dated 10/26/06 re: plaintiff has no objection to the tolling agreement recently reached between defendants and non-party Sotheby's. Document filed by David Bakalar.(db,) (Entered: 11/09/2006)
11/14/2006	124	THIRD AMENDED COUNTERCLAIM amending 1 Complaint against Schenker, Inc., David Bakalar, David Bakalar. Document filed by Leon Fischer, Milos Vavra, Milos Vavra, Leon Fischer. Related document: 1 Complaint filed by David Bakalar,. (Attachments: # 1 Supplement part to 3rd Amended counterclaims and answer# 2 Exhibit A and B# 3 Exhibit C-G)(Dowd, Raymond) (Entered: 11/14/2006)
11/17/2006	125	FILING ERROR - DEFICIENT DOCKET ENTRY - (SEE DOCUMENT # 126) - FOURTH AMENDED COUNTERCLAIM AND ANSWER amending 1 Complaint against Schenker, Inc., David Bakalar. Document filed by Milos Vavra, Leon Fischer. Related document: 1 Complaint filed by David Bakalar,. (Attachments: # Supplement Part B of Defendants' Counterclaim and Answer# 2 Exhibit A-B# 3 Exhibit C-G)(Dowd, Raymond). Modified on 11/30/2006 (gf,). (Entered: 11/17/2006)
11/21/2006	126	FOURTH AMENDED COUNTERCLAIM amending 7 Answer to Complaint, Counterclaim against David Bakalar. Document filed by Milos Vavra, Leon Fischer. Related document: 7 Answer to Complaint, Counterclaim filed by Leon Fischer,. (Attachments: # 1 Supplement Part B of the 4th Amended Counterclaims and Answer# 2 Exhibit A-B# 3 Exhibit C-G# 4 Affidavit of Service)(Dowd, Raymond) (Entered: 11/21/2006)
12/04/2006	127	MOTION to Dismiss the Fourth Amended Counterclaim... Motion on filed by Schenker, Inc., Dismissed due to 1/4/2007 Return Date set for 2/9/2007 12:00 PM (Burke, Kevin) (Entered: 12/04/2006)
12/04/2006	128	AFFIDAVIT of Kevin J. Burke in Support re: 127 MOTION to Dismiss the Fourth Amended Counterclaim... Document filed by Schenker, Inc., (Burke, Kevin) (Entered: 12/04/2006)
12/04/2006	129	FILING ERROR - DEFICIENT DOCKET ENTRY - (SEE DOCUMENT # 131) - MEMORANDUM OF LAW in Support re: 127 MOTION to Dismiss the Fourth Amended Counterclaim... Document filed by Schenker, Inc., (Burke, Kevin) Modified on 12/7/2006 (gf,). (Entered: 12/04/2006)
12/05/2006	130	REPLY re: 126 Amended Counterclaim, Fourth. Document filed by David Bakalar, David Bakalar, David Bakalar, David Bakalar, David Bakalar. (So, Suyin) (Entered: 12/05/2006)
12/06/2006	131	MEMORANDUM OF LAW in Support re: 127 MOTION to Dismiss the Fourth Amended Counterclaim... Document filed by Schenker, Inc., (Burke, Kevin) (Entered: 12/06/2006)
12/13/2006	132	TRANSCRIPT of proceedings held on 11/3/06 before Judge William H. Pauley III. (mo,) (Entered: 12/13/2006)
12/20/2006	133	SCHEDULING ORDER: Motion to dismiss due by 12/4/2006. Responses due by 1/4/2007. Replies due by 1/16/2007. Oral Argument set for 2/9/2007 at 12:00 PM before Judge William H. Pauley III. (Signed by Judge William H. Pauley III on 11/6/2006) (lb,) (Entered: 12/20/2006)
12/20/2006	134	ORDER:... the Plaintiff's request for reasonable costs and attorney fees to conduct Defendant Vavra's deposition in the Czech Republic is denied.... The Defendants' request that plaintiff admit to the "genuineness" of 84 foreign language document is denied.... In all other respects, the parties' application are denied. The Clerk is directed to docket and file the parties' letter submissions. (Signed by Judge William H. Pauley III on 12/19/06) (dje,) (Entered: 12/21/2006)
12/29/2006	135	LETTER addressed to Judge Pauley from Raymond Dowd dated 11/20/06 re platfs letter re two discovery disputes. Document filed by Leon Fischer.(cd,) (Entered: 12/29/2006)
12/29/2006	136	LETTER addressed to Judge Pauley from James Jarowitz dated 11/22/06 re the two discovery disputes. Document filed by David Bakalar.(cd,) (Entered: 12/29/2006)

01/05/2007	137	FIRST MOTION to Dismiss <i>Schenker's Motion</i> . Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 01/05/2007)
01/05/2007	138	FILING ERROR - DEFICIENT DOCKET ENTRY - (MISSING PAGES) - (SEE DOCUMENT # 138) - FIRST MEMORANDUM OF LAW in Opposition re: 137 FIRST MOTION to Dismiss <i>Schenker's Motion</i> , and in support of the <i>Co-Heirs Cross Motion for Alternate Service</i> . Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) Modified on 1/18/2007 (Fusco, Gladys). (Entered: 01/05/2007)
01/05/2007	139	DECLARATION of Raymond J. Dowd in Opposition. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit 1# 2 Exhibit 2 Part A# 3 Exhibit 2 Part B# 4 Exhibit Part C# 5 Exhibit 2 Part D# 6 Exhibit 3 Part A# 7 Exhibit 3 Part B# 8 Exhibit 4# 9 Errata 5# 10 Exhibit 6 Part A# 11 Exhibit 6 Part B# 12 Exhibit 7)(Dowd, Raymond) (Entered: 01/05/2007)
01/08/2007	140	FIRST MEMORANDUM OF LAW in Opposition re: 137 FIRST MOTION to Dismiss <i>Schenker's Motion</i> , to Dismiss and in Support of the <i>Co-Heirs Cross-Motion for Alternate Service</i> . Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 01/08/2007)
01/16/2007	141	REPLY MEMORANDUM OF LAW in Support re: 127 MOTION to Dismiss <i>the Fourth Amended Counterclaim</i> . Document filed by Schenker, Inc.. (Burke, Kevin) (Entered: 01/16/2007)
02/26/2007	142	ORDER since the parties are unable to agree on the schedule for completion of discovery, they are directed to appear on March 2, 2007 at 11:00 a.m. SO ORDERED. (Signed by Judge William H. Pauley III on 2/23/2007) (jmi) (Entered: 02/27/2007)
02/26/2007	143	ORDER...that neither party waives any right to object to the admissibility of Mr. Kornfeld's testimony, obtained at said deposition, pursuant to the Federal Rules of Evidence. (Signed by Judge William H. Pauley III on 2/23/2007) (jmi) (Entered: 02/27/2007)
02/26/2007	146	LETTER addressed to Judge William H. Pauley III from James A. Janowitz dated 2/14/2007 re: to request for a commission to depose Eberhard Kornfeld in Switzerland. (jmi) (Entered: 03/06/2007)
02/28/2007	144	AFFIDAVIT OF SERVICE of Third-Party Summons and Fourth Amended Counterclaim and Answer with annexed exhibits served on Schenker & Co. A.G.'s U.S. agent Schenker, Inc. on February 23, 2007. Service was accepted by Ms. Susan Perconte, Administrative Assistant (authorized to accept legal process). Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 02/28/2007)
03/01/2007	145	ORDER: For the reasons set forth on the record on february 9, 2007, Defendants' counterclaims against Schenker, Inc. are dismissed. So ordered. (Signed by Judge William H. Pauley III on 3/1/2007) (js) (Entered: 03/02/2007)
03/07/2007	147	LETTER addressed to Judge Zamey from Raymond J. Dowd dated 2/26/07 re: regards to Plaintiff's letter of Feb. 27, 2007. Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 03/07/2007)
03/13/2007	148	ORDER Discovery due by 3/31/2007. Motions due by 4/2/2007. Pretrial Order due by 5/09/2007. Replies due by 4/18/2007. Responses due by 4/13/2007. Oral Argument set for 4/20/2007 10:30 AM before Judge William H. Pauley III. Pretrial Conference set for 4/13/2007 10:30 AM before Judge William H. Pauley III. (Signed by Judge William H. Pauley III on 3/6/2007) (jmi) (Entered: 03/13/2007)
03/16/2007	149	TRANSCRIPT of proceedings held on 2/9/2007 at 12:35 p.m. before Judge William H. Pauley III. (inbe) (Entered: 03/16/2007)
03/21/2007	150	NOTICE of Firm Name Change. Document filed by David Bakalar. (So, Suyin) (Entered: 03/21/2007)
04/02/2007	151	MOTION to Dismiss <i>the Fourth Amended Counterclaim and Quash Service</i> . Document filed by Schenker & Co. A.G.. (Attachments: # 1 Affidavit of Kevin Burke# 2 Exhibit A# 3 Exhibit B)(Burke, Kevin) (Entered: 04/02/2007)
04/02/2007	152	MEMORANDUM OF LAW in Support re: 151 MOTION to Dismiss <i>the Fourth Amended Counterclaim and Quash Service</i> . Document filed by Schenker & Co. A.G.. (Burke, Kevin) (Entered: 04/02/2007)
04/03/2007	153	NOTICE of Substitution of Attorney. Old Attorney: Friedman Kaplan Seiler & Adelman LLP, New Attorney: John R. Cahill, Esq., Address: John R. Cahill, Esq., 500 Fifth Avenue, 14th floor, New York, New York, United States 10110, 212-719-4400. Document filed by Sotlieby's, Inc.. (Lack, Robert) (Entered: 04/03/2007)
04/13/2007	154	DECLARATION of Raymond J. Dowd in Opposition re: 151 MOTION to Dismiss <i>the Fourth Amended Counterclaim and Quash Service</i> . Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 04/13/2007)
04/13/2007	155	DECLARATION of Raymond J. Dowd in Opposition re: 151 MOTION to Dismiss <i>the Fourth Amended Counterclaim and Quash Service</i> . Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit Exhibit A Affidavit of Service of David Betron# 2 Exhibit Exhibit B Part 1 of 3 Schenker Business History DBM 03045 to 03106# 3 Exhibit Exhibit B Part 2 of 3 Schenker Business History DBM 03045 to 03106# 4 Exhibit Exhibit B Part 3 of 3 Schenker Business History DBM 03045 to 03106# 5 Exhibit Exhibit C Transcript of 03/20/2007 Deposition of Schenker# 6 Exhibit Exhibit D Part 1 of 3 Exhibits to the Deposition of Malcolm Trevor Heath# 7 Exhibit Exhibit D Part 2 of 3 Exhibits to the Deposition of Malcolm Trevor

		Heath# 8 Exhibit Exhibit D Part 3 of 3 Exhibits to the Deposition of Malcom Trevor Heath# 9 Exhibit Exhibit E Copy of Schenker&Co. AB Website)(Dowd, Raymond) (Entered: 04/13/2007)
04/13/2007	156	FILING ERROR - DEFICIENT DOCKET ENTRY - (SMALL ERRORS IN TABLE OF CONTENTS AND TABLE OF AUTHORITIES) - (SEE DOCUMENT # 157) MEMORANDUM OF LAW in Opposition re: 127 MOTION to Dismiss the <i>Fourth Amended Counterclaim</i> . Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) Modified on 4/19/2007 (lb). (Entered: 04/13/2007)
04/16/2007	157	MEMORANDUM OF LAW in Opposition re: 151 MOTION to Dismiss the <i>Fourth Amended Counterclaim and Quash Service</i> . Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 04/16/2007)
04/18/2007	158	REPLY MEMORANDUM OF LAW in Support re: 151 MOTION to Dismiss the <i>Fourth Amended Counterclaim and Quash Service</i> . Document filed by Schenker & Co. A.G.. (Burke, Kevin) (Entered: 04/18/2007)
04/23/2007	159	TRANSCRIPT of proceedings held on 3/2/2007 before Judge William H. Pauley III. (jp) (Entered: 04/23/2007)
05/01/2007	160	ORDER; re: granted 151 MOTION to Dismiss the <i>Fourth Amended Counterclaim and Quash Service</i> . filed by Schenker & Co. A.G. (Signed by Judge William H. Pauley III on 4/20/07) (pl) (Entered: 05/02/2007)
05/09/2007	161	ENDORSED LETTER addressed to Judge William H. Pauley from Raymond J. Dowd dated 5/7/2007 re: to we write, pursuant to your Honor's Individual rules to seek an emergent resolution of a discovery dispute ENDORSEMENT: Application denied for failure to comply with the Court's individual Practices (11)(A)(iii) SO ORDERED. (Signed by Judge William H. Pauley III on 5/7/2007) (jmi) (Entered: 05/10/2007)
05/25/2007	162	SCHEDULING ORDER No.7: Counsel will serve and file letters rogatory, if any, by June 5, 2007; Plaintiff may depose non-party Ivan Vavra by June 28, 2007; Defendants may depose non-party Sotheby's Inc. by June 28, 2007; Counsel will submit a joint pretrial order in accord with the Court's Individual Practices by July 9, 2007 and Final Pretrial Conference set for 7/13/2007 10:30 AM before Judge William H. Pauley III. (Signed by Judge William H. Pauley III on 5/22/07) (fist) (Entered: 05/29/2007)
05/25/2007	163	TOLLING AGREEMENT AND ORDER: regarding procedures to be followed that shall govern the handling of this action. (Signed by Judge William H. Pauley III on 5/18/07) (js) (Entered: 05/29/2007)
06/11/2007	164	TRANSCRIPT of proceedings held on 4/20/2007 before Judge William H. Pauley III. (aba) (Entered: 06/14/2007)
07/30/2007	165	TRANSCRIPT of proceedings held on 5/16/07 before Judge William H. Pauley III. (lbe) (Entered: 07/30/2007)
08/16/2007	166	ORDER that pursuant to Rule 34 of the FRCP and Article 17 of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (U.S.A.S. 744, 28 U.S.C. 2523, reprinted in 28 USC 1781, 1998 "Convention") it is ordered that Christian Fahrthofer, Christian Jandrisovics, Marcel Widmer, Williams Mazzella and Raymond Marquis are hereby appointed Commissioners, for the purpose of examining original documents in Berne, Switzerland, in accordance with and the reservations and declaration of the Confederation of Switzerland "Re: Articles 15, 16, 17" of the Convention, contained in its instrument of ratification under Article 37, paragraph 2 of the Convention, deposited on 11/2/94. (Signed by Judge William H. Pauley III on 7/6/07) (dle) (Entered: 08/17/2007)
08/16/2007	167	STIPULATION AND ORDER that the handwriting experts for the parties to the Action shall serve as commissioners for the inspection of documents related to purported transactions between Matilde Lukacs, Eberhard Kornfeld and the gallery Gutekunst & Klipstein under Rule 34 of the FRCP and Article 17 of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters and the reservations and declaration of the Confederation of Switzerland "Re: Articles 15, 16, 17" of the Convention. 2. Dr. Marc Veit and/or Mr. Micha Buehler of Walder Wyss & Partners shall assist on behalf of both parties in the application to applicable Swiss authorities for permission for the handwriting experts to inspect the Documents in Switzerland. The parties shall share equally costs incurred in connection with WWP's assistance and application. Neither party waives any right to object to the admissibility in the action of handwriting expert reports obtained through this inspection, purs. to the Federal Rules of Evidence. (Signed by Judge William H. Pauley III on 7/6/07) (dle) (Entered: 08/17/2007)
08/16/2007	168	ENDORSED LETTER addressed to Judge William H. Pauley, III from Pryor Cashman LLP dated 6/5/07 re: counsel for plaintiff requests that the scheduling order be modified in accordance with counsel's mutual understanding of what had been discussed with the Court at the conclusion of the May 16 discovery conference. In addition the parties jointly request that a period of expert disclosure now be scheduled. ENDORSEMENT: Application granted. A status conference will be held on 8/17/07 at 11:30 a.m. in lieu of the FPTC. (Signed by Judge William H. Pauley III on 7/3/07) (dle) (Entered: 08/17/2007)
08/31/2007	169	SCHEDULING ORDER No. 8: that all counsel in this civil action having appeared before the Court for a status conference on 8/17/07, the following scheduled is established on consent to the parties: Expert Discovery due by 11/30/2007. Final Pretrial Conference set for 1/11/2008 at 12:30 PM before Judge William H. Pauley III. Joint Pretrial Order due by 1/4/2008. (Signed by Judge William H. Pauley III on 8/30/07) (pl) Modified on 9/5/2007 (Lancaster, Patricia). (Entered: 08/31/2007)

08/31/2007	170	STIPULATION AND ORDER; that Sothebys shall produce a witness with knowledge pursuant to Rule 30(b)(6) of the F.R.C.P., Lucian Simmons, Esq. to be deposed on or about Monday, 8/27/07, beginning at 10:00 a.m. in the manner that is set forth in this Order. Sothebys shall produce and shall obtain and produce from Sothebys affiliate in the United Kingdom, documents concerning the Copies no later than Wednesday, 8/23/07. Additional relief as set forth in this Order. (Signed by Judge William H. Pauley III on 8/16/07) (pl) Modified on 8/31/2007 (Lancaster, Patricia). (Entered: 08/31/2007)
09/24/2007	171	TRANSCRIPT of proceedings held on 8/17/07 before Judge William H. Pauley III. (jbe) (Entered: 09/24/2007)
09/24/2007	172	TRANSCRIPT of proceedings held on 8/17/2007 before Judge William H. Pauley III. (jar) (Entered: 09/24/2007)
10/10/2007	173	SCHEDULING ORDER No. 9: Conference set for 10/24/2007 at 05:00 PM before Judge William H. Pauley III. The conference will address two discovery disputes raised by the parties in their letter to the Court dated September 28, 2007. (Signed by Judge William H. Pauley III on 10/9/07) Copies Mailed By Chambers.(tro) (Entered: 10/10/2007)
10/25/2007	174	SCHEDULING ORDER No. 10: Plaintiff shall submit its rebuttal report on Swiss law by 11/26/07. Expert Discovery due by 1/31/2008. Final Pretrial Conference set for 3/7/2008 at 10:00 AM before Judge William H. Pauley III. Joint Pretrial Order due by 2/29/2008. Plaintiff's application to exclude the Declaration of Milan Kostohryz is granted. (Signed by Judge William H. Pauley III on 10/24/07) copies sent by chambers.(cd) (Entered: 10/25/2007)
11/07/2007	175	TRANSCRIPT of proceedings held on 10/24/07 before Judge William H. Pauley III. (jw) (Entered: 11/07/2007)
11/13/2007	176	ORDER: The parties are directed to arrange a teleconference on November 14, 2007 at 11:00 a.m. to discuss the discovery dispute concerning Eberhard Kornfeld's documents. (Signed by Judge William H. Pauley III on 11/01/07) Copies Mailed By Chambers.(tro) (Entered: 11/13/2007)
11/20/2007	177	STIPULATION AND ORDER: Christian Fahrhofer, Christian Jandrisovics, Marcel Wenter, Williams Mazzella and Raymond Marquis are hereby appointed Commissioners for the purpose of examining original documents in Berne, Switzerland, in accordance with the reservations and declaration of the Confederation of Switzerland "Re: Articles 15,16, 17" of the Convention, contained in its instrument of ratification under Article 37, paragraph 2 of the Convention, deposited on November 2, 1994. The parties, through Swiss counsel, request that permission be granted to review the documents annexed hereto as Exhibit "A", the examination of which may assist the U.S. District Court in resolving issues in this proceeding. (Signed by Judge William H. Pauley III on 11/19/07) (tro) (Entered: 11/20/2007)
12/04/2007	178	ENDORSEMENT LETTER addressed to Judge William H. Pauley III from Raymond Marquis dated 11/21/2007 re: Counsel for Leon Elserer (Defendant) we submit this letter to request an extension to February 14, 2008 to file an expert report from an art historian. ENDORSEMENT: Application denied. SO ORDERED. (Signed by Judge William H. Pauley III on 12/3/2007) (jmi) (Entered: 12/04/2007)
12/10/2007	179	SCHEDULING ORDER No. 11: Joint Pretrial Order due by 2/28/2008. All Expert Discovery due by 2/29/2008. Final Pretrial Conference set for 4/4/2008 at 11:00 AM before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 12/7/07) (tro) (Entered: 12/10/2007)
01/09/2008	180	TRANSCRIPT of proceedings held on 11/14/07 @ 11:00AM before Judge Judge William H. Pauley, III. (pr) (Entered: 01/09/2008)
03/26/2008	181	ENDORSED LETTER addressed to Judge William H. Pauley from William Charron dated 3/20/08 re: Request to approve our right to have until 4/15, if necessary, as per the agreement reached between counsel this afternoon. ENDORSEMENT: Application granted. The parties shall submit the joint pretrial order by 4/18/08. The final pretrial conference is adjourned to 4/25/08 at 12:00 pm. (Joint Pretrial Order due by 4/18/2008. Final Pretrial Conference set for 4/25/2008 at 12:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 3/25/08) (cd) (Entered: 03/26/2008)
04/18/2008	182	BRIEF in Response to Defendants' Request for a Further Extension of the JPTO Deadline, and in Response to Defendants Requests to Reopen Fact and Expert Discovery.. Document filed by David Bakalar.(Charron, William) (Entered: 04/18/2008)
05/02/2008	183	SCHEDULING ORDER: Plaintiff shall serve and file a letter memorandum up to five pages in length supporting his application to amend his pleading by May 2,2008. The parties shall serve and file letter memoranda up to ten pages in length concerning the applicable choice of law by May 6,2008. Any party may submit a letter memorandum up to five pages in length on whether Sothebys's witness may invoke the attorney-client privilege by May 7,2008. Defendants shall serve and file their opposition to Plaintiff's application to amend his pleading up to five pages in length by May 9,2008. The parties shall serve and file oppositions to the letter memoranda on choice of law up to ten pages in length by May 16,2008. The parties shall serve and file omnibus motions in limine up to twenty five pages in length by June 25,2008. The parties shall serve and file oppositions to the omnibus motions up to twenty five pages in length by July 2,2008. A final pre-trial conference shall take place July 11,2008 at 10:30 a.m.. Trial shall commence July 14,2008 at

		10:00 a.m.. (Signed by Judge William H. Pauley, III on 4/25/08) (jp) (Entered: 05/02/2008)
05/02/2008	184	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - BRIEF, (Letter) Brief Requesting Leave to Amend Certain Factual Allegations in Bakalar's Pleading. Document filed by David Bakalar. (Charron, William) Modified on 5/7/2008 (jar). (Entered: 05/02/2008)
05/06/2008	185	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - MOTION in Limine regarding Conflict of Law (LETTER). Document filed by David Bakalar. (Attachments: # 1 Exhibit A through C)(Charron, William) Modified on 5/7/2008 (jar). (Entered: 05/06/2008)
05/07/2008	186	TRANSCRIPT of proceedings held on 4/25/08 before Judge William H. Pauley, III. (ama) (Entered: 05/07/2008)
05/07/2008		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. 184 HAS BEEN REJECTED. Note to Attorney William Charron : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (jar) (Entered: 05/07/2008)
05/07/2008		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. 185 HAS BEEN REJECTED. Note to Attorney William Charron : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (jar) (Entered: 05/07/2008)
05/09/2008	187	REVISED SCHEDULING ORDER: Plaintiff shall serve and file a letter memorandum up to five pages in length supporting his application to amend his pleading by May 2, 2008. The parties shall serve and file letter memoranda up to ten pages in length concerning the applicable choice of law by May 6, 2008. Any party may submit a letter memorandum up to five pages in length on whether Sotheby's witnesses may invoke the attorney-client privilege by May 7, 2008. Defendants shall serve and file their opposition to Plaintiff's application to amend his pleading up to five pages in length by May 9, 2008. The parties shall serve and file oppositions to the letter memoranda on choice of law up to ten pages in length by May 16, 2008. The parties shall serve and file omnibus motions to limit up to twenty-five pages in length by June 10, 2008. The parties shall serve and file oppositions to the omnibus motions up to twenty-five pages in length by June 23, 2008. The parties shall serve and file any replies to oppositions by July 2, 2008. A final pre-trial conference shall take place July 11, 2008 at 10:30 a.m. Trial shall commence July 14, 2008 at 10:00 a.m. (Signed by Judge William H. Pauley, III on 5/7/08) (tro) (Entered: 05/09/2008)
05/29/2008	188	ORDER: Defendants' application to bar all Sotheby's witnesses from testifying at trial is denied. Defendants' application to depose additional Sotheby's employees and consultants if Plaintiff calls a Sotheby's employee as a witness is denied. Defendants' application to order further document production by Sotheby's is denied. Defendants' application that the Court strike Plaintiff's pleading is denied. Defendants' application that Plaintiff pay Defendants' attorneys' fees and costs related to deposition of Sotheby's witnesses is denied. Plaintiff's motion for leave to amend the complaint is granted. Plaintiff shall file an amended complaint immediately. Defendants' application to lift the protective order dated 1/4/06 and serve subpoenas on Sotheby's, Christie's, Galerie St. Etienne and the Museum of Modern Art is denied. Defendants' application to have Ms. Jakubovits to testify in person on Monday, 7/14/08 is granted. (Signed by Judge William H. Pauley, III on 5/29/08) Copies Mailed By Chambers.(tro) (Entered: 05/29/2008)
05/30/2008	189	MEMORANDUM AND ORDER: The substantive law of Switzerland applies to the parties' claims, and New York law will govern any laches defense. (Signed by Judge William H. Pauley, III on 5/30/08) (tro) (Entered: 05/30/2008)
06/06/2008	190	AMENDED COMPLAINT amending 1 Complaint against Milos Vavra, Leon Fischer. Document filed by David Bakalar. Related document: 1 Complaint filed by David Bakalar.(dle) (Entered: 06/06/2008)
06/09/2008	191	FIRST MOTION for Reargument re: 189 Order dated May 30, 2008. Document filed by Milos Vavra, Leon Fischer.(Dowd, Raymond) (Entered: 06/09/2008)
06/09/2008	192	FIRST MEMORANDUM OF LAW in Support re: 191 FIRST MOTION for Reargument re: 189 Order dated May 30, 2008. Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 06/09/2008)
06/16/2008	193	MEMORANDUM OF LAW in Opposition re: 191 FIRST MOTION for Reargument re: 189 Order dated May 30, 2008. Document filed by David Bakalar. (Simonian, Maryann) (Entered: 06/16/2008)
06/18/2008	194	ORDER: denying 191 Defendants, Motion for Reargument. The parties shall submit motions in limine by 6/20/08; any opposition to the motions by 6/27/08; and any reply if necessary by 7/3/08. (Signed by Judge William H. Pauley, III on 6/18/08) (pl) (Entered: 06/18/2008)
06/18/2008		Set/Reset Scheduling Order Deadlines: Motions due by 6/20/2008. Responses due by 6/27/2008 Replies due by 7/3/2008. (pl) (Entered: 06/18/2008)
06/18/2008	195	ORDER: For reasons further set forth in said Order, Defendants' Motion for Reconsideration is DENIED. The parties shall submit Motions in Limine by 6/20/2008. Replies due by 7/3/2008. Responses due by 6/27/2008. (Signed by Judge William H. Pauley, III on 6/18/08) (db) (Entered: 06/18/2008)

06/20/2008	196	MOTION in Limine <i>Omnibus Notice of Motion</i> . Document filed by David Bakalar.(Simonian, Maryaneh) (Entered: 06/20/2008)
06/20/2008	197	MEMORANDUM OF LAW in Support re: 196 MOTION in Limine <i>Omnibus Notice of Motion</i> . Document filed by David Bakalar. (Simonian, Maryaneh) (Entered: 06/20/2008)
06/20/2008	198	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION in Limine. Document filed by Leon Fischer. (Attachments: # 1 Notice of Motion and Memorandum of Law)(Dowd, Raymond) Modified on 6/23/2008 (jar). (Entered: 06/20/2008)
06/23/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Raymond Dowd to RE-FILE Document 198 MOTION in Limine. ERROR(S): Supporting documents must be filed individually. Event code for Memorandum of Law in Support found under Replies, Oppositions, Supporting Documents. (jar) (Entered: 06/23/2008)
06/23/2008	199	MOTION in Limine <i>Notice of Motion</i> . Document filed by Leon Fischer.(Dowd, Raymond) (Entered: 06/23/2008)
06/23/2008	200	MEMORANDUM OF LAW in Support re: 199 MOTION in Limine <i>Notice of Motion</i> . Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 06/23/2008)
06/24/2008	201	ANSWER to Complaint, COUNTERCLAIM against David Bakalar. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Dowd, Raymond) (Entered: 06/24/2008)
06/27/2008	202	MEMORANDUM OF LAW in Opposition re: 196 MOTION in Limine <i>Omnibus Notice of Motion</i> . Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 06/27/2008)
06/27/2008	203	MEMORANDUM OF LAW in Opposition re: 199 MOTION in Limine <i>Notice of Motion</i> . Document filed by David Bakalar. (Simonian, Maryaneh) (Entered: 06/27/2008)
07/03/2008	204	REPLY MEMORANDUM OF LAW in Support re: 196 MOTION in Limine <i>Omnibus Notice of Motion</i> . Document filed by David Bakalar. (Simonian, Maryaneh) (Entered: 07/03/2008)
07/03/2008	205	REPLY MEMORANDUM OF LAW in support re: 199 MOTION in Limine <i>Notice of Motion</i> . Document filed by Leon Fischer. (Dowd, Raymond) (Entered: 07/03/2008)
07/07/2008	206	REPLY re: 201 Answer to Complaint, Counterclaim. Document filed by David Bakalar. (Simonian, Maryaneh) (Entered: 07/07/2008)
07/08/2008	207	TRANSCRIPT of proceedings held on 7/7/08 before Judge William H. Pauley, III (ama) (Entered: 07/08/2008)
07/10/2008	208	PRETRIAL STATEMENT of the Elements of Each Claim and Defense. Document filed by David Bakalar. (Simonian, Maryaneh) (Entered: 07/10/2008)
07/10/2008	209	FIRST PRETRIAL STATEMENT OF THE ELEMENTS OF EACH CLAIM AND DEFENSES TO COUNTERCLAIMS. Document filed by Milos Vavra, Leon Fischer.(Dowd, Raymond) (Entered: 07/10/2008)
07/10/2008	210	AMENDED PRETRIAL STATEMENT of the Elements of Each Claim and Defense. Document filed by David Bakalar.(Simonian, Maryaneh) (Entered: 07/10/2008)
07/14/2008	211	ORDER: The following attorneys are permitted to bring their laptops and PDAs into Courtroom 11D of the United States Courthouse for trial from July 14, 2008 through July 17, 2008: James A. Janowitz, William L. Charron, M. Mona Simonian, and Anna Falter from Pryor Cashman LLP; and Raymond J. Dowd, Carol A. Sigmund, Claire L. Arthurs, and Herbert Gruber from Dunnington Bartholow & Miller LLP. Mr. Janowitz and Mr. Dowd are each permitted to bring one cell phone into Courtroom 11D for the duration of the trial in this action. (Signed by Judge William H. Pauley, III on 7/11/08/3) (tro) (Entered: 07/14/2008)
07/22/2008	212	SCHEDULING ORDER: The parties shall submit findings of fact and conclusions of law no longer than thirty-five pages in length by 8/1/08. The parties shall submit supplemental submissions no longer than fifteen pages in length by 8/8/08. Oral Argument concerning the parties' submissions shall be held 8/12/08 at 2:30pm. (Signed by Judge William H. Pauley, III on 7/21/08) (tro) (Entered: 07/22/2008)
07/24/2008	213	TRANSCRIPT of proceedings held on 7/11/08 before Judge William H. Pauley, III (ama) (Entered: 07/24/2008)
08/01/2008	214	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. Document filed by David Bakalar. (Simonian, Maryaneh) (Entered: 08/01/2008)
08/01/2008	215	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. Document filed by Milos Vavra, Leon Fischer.(Dowd, Raymond) (Entered: 08/01/2008)
08/08/2008	216	POST TRIAL MEMORANDUM. Document filed by Milos Vavra, Leon Fischer.(Dowd, Raymond) (Entered: 08/08/2008)

08/08/2008	212	POST TRIAL MEMORANDUM. Document filed by David Bakalar.(Simonian, Maryaneh) (Entered: 08/08/2008)
08/18/2008	218	TRANSCRIPT of proceedings held on 7/18/08 before Judge William H. Pauley, III. (ama) (Entered: 08/18/2008)
08/18/2008	219	TRANSCRIPT of proceedings held on 7/14,15,16,17, 2008 before Judge William H. Pauley, III. (ama) (Entered: 08/18/2008)
09/02/2008	220	OPINION and Order #96453: that this Court awards judgment to Bakalar, concluding that he holds lawful title to the Drawing. Accordingly, Vavra and Fischers counterclaims for declaratory judgment, conversion and replevin are denied. The parties are directed to submit a proposed judgment by 9/12/08. The foregoing constitutes this Courts findings of fact and conclusions of law as required by Fed. R. Civ. P. 52. The Clerk of Court is directed to terminate all motions pending as of this date and mark the case closed. (Signed by Judge William H. Pauley, III on 9/2/08) (pl) Modified on 9/4/2008 (rw). (rw). (Entered: 09/02/2008)
09/05/2008	221	TRANSCRIPT of proceedings held on 8/12/08 before Judge William H. Pauley, III. (ama) (Entered: 09/05/2008)
09/18/2008	222	JUDGMENT that Plaintiff Bakalar holds the lawful title to the Egon Schiele drawing, dated 1917 known as "Seated Women with Bent Left Leg (Torso)" and denying defendants' counterclaims for declaratory judgment, conversion and replevin. (Signed by Judge William H. Pauley, III on 9/18/08) (Attachments: # 1: notice of right to appeal)(ml) (Entered: 09/19/2008)
10/17/2008	223	NOTICE OF APPEAL from 220 Memorandum & Opinion,, 222 Judgment,. Document filed by Milos Vavra, Leon Fischer. Filing fee \$ 455.00, receipt number E 665994. (nd) (Entered: 10/17/2008)
10/17/2008		Transmission of Notice of Appeal to the District Judge re: 223 Notice of Appeal. (nd) (Entered: 10/17/2008)
10/17/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 223 Notice of Appeal. (nd) (Entered: 10/17/2008)
11/19/2008	224	MOTION to Amend/Correct and Supplement the Record. Document filed by Milos Vavra, Leon Fischer. Return Date set for 12/15/2008 at 10:00 AM.(Dowd, Raymond) (Entered: 11/19/2008)
11/19/2008	225	MEMORANDUM OF LAW in Support re: 224 MOTION to Amend/Correct and Supplement the Record,. Document filed by Milos Vavra, Leon Fischer. (Dowd, Raymond) (Entered: 11/19/2008)
11/19/2008	226	DECLARATION of Raymond J. Dowd in Support re: 224 MOTION to Amend/Correct and Supplement the Record,. Document filed by Milos Vavra, Leon Fischer. (Attachments: # 1 Exhibit Notice of Appeal, # 2 Exhibit Nature of the Action, # 3 Exhibit Statement of issues to be Raised, # 4 Exhibit Copy of Current Docket Sheet, # 5 Exhibit Amended Answer to Third Party Complaint, # 6 Exhibit Letter dated August 2008 of Raymond Dowd to Hon. William H. Pauley, # 7 Exhibit Letter dated August 11, 2008 of Raymond Dowd to Hon. William H. Pauley PART 1, # 8 Exhibit Letter dated August 11, 2008 of Raymond Dowd to Hon. William H. Pauley PART 2, # 9 Exhibit Rebuttal Expert Opinion of Dr. Katherine Hoferer, # 10 Exhibit Excerpts of July 11, 2008 Transcript, # 11 Exhibit Expert Report of Dr. Jonathan Petropoulos, # 12 Exhibit Excerpts of April 25, 2008 Transcript, # 13 Exhibit Letter dated April 18, 2008 of Raymond Dowd to Hon. William H. Pauley, # 14 Exhibit Excerpts of August 12, 2008 Transcript)(Dowd, Raymond) (Entered: 11/19/2008)
12/01/2008	227	ENDORSED LETTER addressed to Judge William H. Pauley from William L. Charron dated 11/20/08 re: Counsel for David Bakalar respectfully submit that a pre-motion conference would be appropriate to address the matters raised by Appellants' motion. ENDORSEMENT: Application granted. This Court will hold a pre-motion conference on December 11, 2008 at 3:00 p.m. (Pre-Motion Conference set for 12/11/2008 at 03:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 11/26/08) (tro) (Entered: 12/01/2008)
12/01/2008	228	ENDORSED LETTER addressed to Judge William H. Pauley from Howard N. Spiegler dated 11/21/08 re: Counsel for Neue Galerie, which is no longer a party in this action but which could nonetheless be adversely affected by the motion filed by Appellants with this court on 11/19/08, join in Mr. Charron's request for a pre-motion conference and respectfully request that they be permitted to participate should the Court decide to schedule such a conference. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 11/26/08) (tro) (Entered: 12/01/2008)
12/01/2008	229	ENDORSED LETTER addressed to Judge William H. Pauley from John R. Cahill dated 11/24/08 re: Sotheby's joins in Mr. Charron's request for a pre-motion conference, and further requests that it be permitted to participate in such a conference, despite its non-party status, because its interests are directly affected by the motion. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 11/26/08) (tro) (Entered: 12/01/2008)
12/22/2008	230	LETTER addressed to Judge William H. Pauley, III from William L. Charron dated 12/12/2008 re: We represent David Bakalar in the above-referenced action, Further to the Court's direction during yesterday's conference and hearing, we respectfully enclose copies of all papers submitted in connection with Bakalar's motion to amend his pleading so that same may be added to the docket for the record on appeal. (jmi)

		(Entered: 12/23/2008)
01/07/2009	231	TRANSCRIPT of proceedings held on 12/11/2008 before Judge William H. Pauley, III. (D'Avanzo, Daniel)
		(Entered: 01/22/2009)